November 11, 2016

VIA CERTIFIED MAIL

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (OPA-2)
San Francisco, CA 94105

Re: Public records request

Dear Sir or Madam:

Pursuant to the U.S. Freedom of Information Act, this letter serves as a request for documents relating to the May 19, 2015 oil spill at Refugio State Beach, Santa Barbara County, California.

We understand from page 35 of the document attached as Exhibit A (Federal On-Scene Coordinator's After Action Report, excerpted in relevant part), that the U.S. Environmental Protection Agency ("EPA") used Scribe software as a data and information management tool in responding to the above referenced oil spill. This request seeks copies of documents and data regarding this oil spill that are maintained in the EPA's Scribe accessible database.

Responsive documents and data pertain to the following non-inclusive list of subjects:

- submerged oil sampling
- surface water sampling
- water column sampling
- product sampling
- source sampling
- shoreline surface water sampling
- sediment sampling

Please send all documents and data responsive to this request to the following address:

Keller Rohrback L.L.P.
Attn: Chris Springer
1129 State Street, Suite 8
Santa Barbara, CA 93101

Keller Rohrback L.L.P. requests these documents in support of litigation against Plains All American Pipeline, LP and related entities with respect to the May 19, 2015 oil spill in Santa Barbara County, California. The firm is willing to pay fees for this request up to a maximum of $500. If you estimate that the fees will exceed this limit, please contact me at (805) 456-1496 or the email address below.

Sincerely,

Chris Springer
cspringer@kellerrohrback.com

Attachment

CLS:sh

Exhibit A

Refugio Beach Oil Spill
Santa Barbara County, California

Federal On-Scene Coordinator's
After Action Report

May 3rd, 2016

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RECOMMENDATIONS

a. Regional Response Team (RRT) IX should develop an in-situ vetting process and tool that assesses research and field-testing requests.

b. Given the scale of a spill and the volume of requests, RRT IX should have a process in place that leverages RRT member agencies to provide vetting support and/or to engage the US Coast Guard Research and Development Center for a similar capability.

21. Oil sampling plan and data sharing

OBSERVATION

The presence of natural seep challenged the Federal On-Scene Coordinator's ability to assess whether the Responsible Party (RP) was meeting oil recovery and cleanup goals.

DISCUSSION

The Refugio Beach oil spill occurred within the Monterey Formation, an oil-rich geologic region spanning inland and coastal areas of central and southern California. The Monterey Formation contains a network of fissures that serve as natural conduits through which oil percolates from the subseafloor to the water column and is called natural seep. Within the water column, oil from natural seep settles onto the seafloor, becomes entrained in ocean currents, or rises to the surface. Whereas some oil forms visible sheens on the surface of the water, other oil weathers, mixes with sediment, and forms tarballs that can become entrained in ocean currents and eventually wash ashore. Conducting oil spill response within an area prone to natural seep presents the need to determine natural seep oil from oil discharged by an RP, as the Oil Pollution Act of 1990 requires an RP to remove only the oil they discharged into the environment and is not accountable for removing natural seep oil.

As the on-water response progressed and oil recovery vessels encountered fewer patches of recoverable oil, the Unified Command (UC) understood that natural seep might account for the presence of unrecoverable surface sheen and presence of tarballs. Prior to making any determination, the UC assessed that the source of discharged oil was secured, that effective protection strategies were in place that prevented additional discharged oil from entering ocean waters, that oil recovery vessels no longer encountered patches of recoverable oil, and that offshore oil production platforms were not actively extracting hydrocarbons from the subseafloor. The primary oil transportation medium, the ruptured pipeline, was out of service. In light of those assessments and of observed sheen and tarballs consistent with natural seep, the UC required a mechanism, an oil-sampling plan, through which to distinguish natural seep oil from discharged oil.

The UC directed a collaborative multi-agency approach to collecting and managing oil samples. Uniquely qualified members from the US Coast Guard, California Department of Fish and Wildlife/Office of Spill Prevention and Response (OSPR), National Oceanographic and Atmospheric Administration (NOAA), and the RP's environmental contractors developed protocols enabling consistent sampling procedures and techniques, sample handling and transmittal procedures, and data and information-sharing. The sampling plan isolated authority

for sample collection and management to the US Coast Guard and OSPR. Samples collected by others required approval, which served to eliminate unsolicited samples from unauthorized sources using unknown procedures with potential to introduce sample process error and/or sample contamination.

The oil sample plan used the US Environmental Protection Agency's (EPA) Scribe software as the user-protected data and information management tool. Scribe is a software tool that supports sample data management and was developed by EPA's Emergency Response Team staff. Scribe provided a web- based and user-protected data warehousing and retrieval medium accessed only by those authorized to collect oil samples and view sample results. Samples collected during authorized activities throughout Santa Barbara, Ventura, Los Angeles, and Orange Counties were analyzed at the US Coast Guard Marine Safety Lab (MSL) where staff provided priority analysis of oil samples and delivered subject matter expertise surrounding sample analytic methodologies and interpretation of sample results. The sample results were disclosed publicly on the Refugio response website. California's Petroleum Chemistry Laboratory (PCL) also supported the UC with sample analysis technical expertise. Given the spread of sample analytic facilities, representatives from each collaborated to understand analytic processes and interpretation methodologies.

During the initial response, qualified US Coast Guard responders collected samples for comparative analysis that were subject to a non-disclosure of results order given by the US District Attorney. The management of samples taken for comparative analysis required a coordinated approach to aligning the legal community's concerns and objectives given the involvement of legal staff from US Coast Guard District Eleven, EPA, OSPR, US Department of Justice, and the US District Attorney. Non-governmental organizations and local officials throughout Southern California wanted to know if the samples matched oil taken from the ruptured pipeline. US Coast Guard District Eleven attorneys coordinated with attorneys from partner agencies on how to design a joint approach at confronting a valid question while preserving the integrity of an on-going investigation.

LESSONS LEARNED/PROMISING PRACTICES

a. Natural seep is a complicating factor that will challenge the Federal On-Scene Coordinator's determination that an RP is meeting its oil spill removal and cleanup requirements.

b. Sampling plans should designate a specific person responsible for planning and implementing oil-sampling activities, the method of sample collection, processes for splitting samples among UC organizations, and an understanding of each participating laboratory's analytic process and interpretation methodologies.

c. Public information strategies should accompany the sampling plan. The UC should make sample results available to the public and have subject matter experts available to explain the science of oil sample analysis.

RECOMMENDATIONS

a. Include in the Sample Coordinator job aid a section for evaluating and sampling natural seep sources during oil spills in known natural seep areas.

b. Responders and planners should review and update the Los Angeles-Long Beach Area Contingency Plan with offshore platform operations and the petroleum byproducts used in production.

c. Continue to evaluate professional literature on how to improve methodologies for differentiating natural seep from discharged oil.

d. When conducting response activities in areas known to contain natural seep, the UC should task the Environmental Unit with developing a sampling plan, which produces analytic results to determine whether the oil discharged contains properties that allow it to be distinguished from natural seep.

22. Managing concurrent and prolonged incidents

OBSERVATION

Concurrent incidents of prolonged duration require consideration whether to manage separately or together, and also require long-term incident support that enables the unit to sustain routine operations.

DISCUSSION

Eight days into the Refugio Beach oil spill, a separate incident occurred nearly 80 nautical miles south in Santa Monica Bay in Los Angeles County. Sector Los Angeles-Long Beach received notification from Los Angeles County Lifeguards that unusually thick tarballs were washing ashore along Manhattan, Hermosa, Redondo, and Santa Monica Beach communities. A US Coast Guard helicopter overflight confirmed an area of shoreline contained swaths of tarballs with no observable sheen offshore and no sheening from a nearby anchorage. Media interest was high given the impacted areas involved highly populated beaches, as well as the perception that tarballs could be connected with the Refugio Beach oil spill.

Initially, the Sector Los Angeles-Long Beach Deputy Commander served as the Federal On-Scene Coordinator (FOSC) and established a Unified Command (UC) with California Department of Fish and Wildlife/Office of Spill Prevention and Response (OSPR) at the lifeguard station in Manhattan Beach. Because a responsible party could not be identified, the FOSC accessed federal response funds through the Oil Spill Liability Trust Fund, activated a Basic Ordering Agreement with an Oil Spill Removal Organization, and responded in collaboration with multiple agencies including Los Angeles County Lifeguards, Los Angeles Fire Department, Los Angeles Public Health Department, Department of Beaches and Harbors, and Los Angeles County Emergency Management. The UC designated the incident as the South Bay Incident.

Sector Los Angeles-Long Beach managed two concurrent oil spill response operations while